

REMARKS/ARGUMENTS

This is in response to the Examiner's communication dated July 7, 2006.

I. Introduction

Claims 1–26 are pending in the above application.

Claim 5–23 are objected to as being in improper form.

Claims 1–4, and 24–26 stand rejected under 35 U.S.C. §102(b).

II. Amendments

The applicant has canceled without prejudice or disclaimer, claims 1, 24 and 26. Moreover, applicant has amended independent claims 2 and 25 to more clearly claim the invention in view of the Examiner's objections. Applicant has also made minor amendments to dependant claims 3–6, 9, 11–14, 16 and 20–23 so that claims 3–23 are no longer multiple dependent claims that depend from any other multiple dependent claims and to conform to the amendments to claim 2.

In addition, applicant has added new claims 27–30 that depend on claim 25. Applicant submits that claims 27–30 do not add new subject matter to this case, but are fully supported by the application as filed; the new claims are based, in part, on dependent claims 6, 8, 14 and 15 as originally filed.

III. Objection Under 37 CFR 1.75(c)

The Examiner objected to claims 5–23 under 37 CFR 1.75(c) as being in improper form since a multiple dependent claim cannot depend from any other multiple dependent claim. The applicant has amended dependant claims 3–6, 9, 11–14, 16 and

20–23 so that claims 3–23 are no longer multiple dependent claims that depend from any other multiple dependent claims.

IV. Rejection Under 35 U.S.C. §102(b)

Claims 1–4, and 24–26 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kidushim et al. (U. S. Pub. 2002/0151266 A1). Applicant respectfully traverses this rejection. Anticipation under 35 U.S.C. §102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See *C. R. Bard, Inc. v. M3 Sys., Inc.*, 157 F. 3d 1340, 1349, 48 USPQ 2d (Fed. Cir. 1998); and *Connell v. Sear, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

In Applicants' invention a linkage assembly is provided to connect the cover to at least one of the guide and the stop or the contact surface. The linkage assembly displaces the guide and the stop (claim 2) or the contact surface (claim 25) relative to one another as the cover moves relative to the enclosure from the open position to the closed position. In this manner the cover, when moved to an open position: i) for claim 2, presents the stop to at least partially obstruct the guide thereby preventing the blade from sliding back or forth within the guide, as shown in the figures of the patent application; and ii) for claim 25, presents the contact surface at least partially across the plane of the guide.

Applicants submit that Kidushim et al. does not provide a linkage assembly as now claimed. In particular, Kidushim et al. has the cover pivotally connected to the frame of the device only; rotation of the cover about the pivot axis does not move, as identified by the Examiner in the official communication, the guide (16) and stop (section of the cover that contacts with portions 18 and 24 of the handle at a pivoting area 30) so that these portions are displaced relative to one another as in applicants' invention. Similarly, rotation of the cover about the pivot axis does not move, as identified by the Examiner in the official communication, the guide and contact

surface so that these portions are displaced relative to one another as in applicants' invention.

For anticipation, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Moreover, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).


Kidushim et al. does not disclose, as now claimed in independent claims 2 and 25: a food slicing apparatus, comprising an enclosure to support therein food to be sliced, the enclosure having an access opening, a guide for guiding a blade to slice food supported within the enclosure, a stop to at least partially obstruct the guide, a cover for the access opening, the cover moveable relative to the enclosure from an open position to a closed position, and a linkage assembly to connect the cover to at least one of the guide and the stop, the linkage assembly to displace the guide and the stop relative to one another as the cover moves relative to the enclosure from the open position to the closed position, so that when the cover is in an open position the stop at least partially obstructs the guide; nor a food slicing apparatus, comprising an enclosure to support food therein to be sliced, the enclosure having an access opening, a guide for guiding a blade substantially in a plane to slice food supported within the enclosure, a contact surface to engage the blade, a cover for the access opening, the cover moveable relative to the enclosure from an open position to a closed position, and a linkage assembly to connect the cover to at least one of the contact surface and the guide, the linkage assembly to displace the contact surface and the guide relative to one another as the cover moves relative to the enclosure from the open position to the closed position, so that as the cover is moved to the open position the contact surface is at least partially across the plane of the guide. Accordingly Kidushim et al. does not anticipate the invention as now claimed.

The dependent claims depend from these claims and therefore incorporate the limitations recited above with respect to the independent claims. Accordingly, applicant submits that the dependent claims are not anticipated by the Kidushim et al. reference.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BERESKIN & PARR

By 
Stephen M. Beney
Reg. No. 41,563
Tel: (416) 957-1697